7.

Number VI.

RIGHTS UPON RIGHTS

WITH

OBSERVATIONS

UPON

OBSERVATIONS.

There was a time when all the body's members
Rebell'd againſt the belly; thus accus'd—
That only like a gulf it did remain
I'th' midſt o'th' body, idle and inactive;
Still cupboarding the viand, never bearing
Like labour with the reſt: where th' other inſtruments
Did ſee, and hear, deviſe, inſtruct, walk, feel,
And mutually participate: did miniſter
Unto the appetite, and affection common
Of the whole body.

Your moſt grave belly was deliberative,
Not raſh like his accuſers; and thus anſwer'd,
"True it is, my incorporate friends," quoth he,
"That I receive the general food at firſt,
"Which you do live upon: and fit it is
"Becauſe I am the ſtorehouſe and the ſhop
"Of the whole body. But if you remember
"I ſend it thro' the rivers of your blood
"Even to the court, the heart; to the ſeat o' th' brain:
"The ſtrongeſt nerves, and ſmall inferior veins,
"From me receive that natural competency
"Whereby they live." CORIOLANUS.

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RIGHTS

UPON

RIGHTS.

"THE Declaration of Rights is of "more value to the world, and will do more "good than all the Laws and Statutes that "have yet been promulgated."

Rights of Man, by Thomas Paine, &c. &c.

THIS memorable declaration takes its departure from one broad axiom, as the base upon which the articles are framed, viz. "that ignorance, neglect, or contempt of hu-"man rights, are the *sole* causes of public "misfortunes and corruptions of Govern-"ment."—I conclude, then, it would be an effectual cure, if not preventive of the gout, were mankind once *informed*, that they

were born by nature to have the free uſe of their limbs.

" *Men are born and always continue free* " *and equal in reſpect of their rights*;" and theſe rights are explained to be " *liberty*, " *property*, *ſecurity*, *and reſiſtance to oppreſ-* " *ſion.*"

With regard to the three firſt, God forbid any man ſhould be abſurd enough to deny that they are the *profeſſed* ends of *all* civil inſtitutions, even the moſt deſpotic: conſequently, that the Government is the beſt adapted to its end, which the moſt effectually gives *ſecurity* to liberty and property. It is in order to obtain *ſecurity* to the individual, however, that liberty is limited, and property ſubjected to contribution in civil Government; but then that ſecurity is incompatible with his right of reſenting his own wrongs, which he ſurrendered upon entering into a ſtate of ſociety.—Thus ſtands the caſe—— Man is a creature made up of reaſon and inſtinct, or, if you pleaſe, of reaſon and paſſion. He ſeeks by nature the gratification of his

appe-

appetites, but frequently can obtain it only at the expence of others.

He is neither born *free*, *equal*, or *independent* in any poſſible ſituation. He is not only dependent upon his parents through a very long infancy, during which time he is ſubject of neceſſity, and for his own good, to *abſolute power*; but when he is in poſſeſſion of his faculties, he is of all animals in nature the leaſt equal to others of his own ſpecies. Different modifications of mind and body, even in a ſtate of the moſt primitive nature we can imagine, renders one man more unlike and diſproportioned to another, than any of the diſtinctions of ſociety can poſſibly deviſe in our eſtabliſhments; the one excels in boldneſs, the other in cunning; the one in ſtrength, the other in agility; Ajax and Ulyſſes, Æſop and Milo, are as unequal in the gifts of nature, as the prince and the peaſant are in thoſe of fortune. This inequality, therefore, in a ſtate of nature, (even if one man only were oppoſed to another man) would make it impoſſible for him to enjoy ſecurity to *his rights*; and having no ſecurity to his life, liberty, or the little property he

could acquire, his rights in them would be of no uſe to him. But when a combination of more than one can overpower in this ſtate the force of the ſtrongeſt individual, the neceſſity appears ten times more cogent to have recourſe to ſome expedient, that ſhall protect the precarious right of the individual againſt oppreſſion. Hence ariſes the compact of that inſtitution we call Government; which ſuppoſes a combination of the whole ſtrength of ſociety in oppoſition to the freedom of the individual, for the purpoſe of general defence, that he may not oppreſs any of the reſt of the community. In the one caſe, man has no bounds to *his rights*, but no ſecurity in the exerciſe of them; in the other, his rights are limited by compact, that is, by the reſtraints the law of the Government impoſes upon him; but he enjoys, or ought to enjoy, perfect ſecurity within thoſe limits. From this reaſoning one concluſion is inconteſtable —that as the obvious end of ſociety is, by the union of individuals ſuffering under unequal ſtrife, to give to each of them ſecurity in an equal degree, the ſame protection, the ſame ſubmiſſion is to be afforded and exacted without

out diſtinction in regard to every member of the community.

Here ends this equality which *human inſtitution* has created to correct the *oppoſite principle* in the *inſtitutes of nature*. From this point, inequality by laws ſtronger than thoſe of men, reſumes its univerſal empire. The whole ſyſtem of creation is connected together like one vaſt machine, by the *difference* of its component parts; inequality, gradation, dependence, influence, and ſubjection, hold together the moral world, as the laws of gravitation and repulſion act upon the material.

" The heavens themſelves, the planets, and this center,
" Obſerve degree, priority, and place,
" Inſiſture, courſe, proportion, ſeaſon, form,
" Office, and cuſtom, in all line of order."

That " *civil diſtinctions are founded only* " *on public utility*," is no more than to ſay, that all Government in ſociety, and all the arrangements naturally proceeding out of it, whether directly or indirectly, refer to the public utility, inaſmuch as Government itſelf has no other object; but does by no means imply that " *all being equal in its ſight, are equally*

" *eligible to all honors, places, and employments,*
" *according to their different abilities, without*
" *any other diſtinction than that created by their*
" *virtues and talents.*" Populous and exten-tenſive countries that ſubſiſted in a ſtate of civilization whilſt Europe were ſtill ſavages, have adopted a contrary principle in the oppoſite extreme; and however erroneous it may be thus exaggerated, do not want plauſible arguments at leaſt, in favor of their inſtitutions: but ſurely it will not be denied, that education and habits tranſmitted from generation to generation, and ſtill more the culture and application to particular walks of life, contribute moſt eſſentially to qualify men for ſituations they are taught to aſpire to. The moſt brilliant *talents* that ever diſtinguiſhed the robe, accompanied with every *moral virtue* that can inſpire confidence, may be thrown away at the head of an army; and the ableſt ſea commander make a wretched figure as ambaſſador plenipotentiary. But this is not all; however ſome individuals may think themſelves diveſted of prejudice, we know and feel that men in general, both the great and the little vulgar, are creatures governed by opinion, and that their opinion

is oftener formed (and muſt neceſſarily be ſo) upon prejudice than upon reaſon. A Chancellor would certainly be able to decide in his tribunal as learnedly in boots, a high collar, and leathern breeches, as in a gown and full bottom perriwig; but whatever the philoſopher may think of it, there is ſomething which experience tells us would very differently affect the feelings of the court, and the by-ſtanders. Honors and external decorations, diſtinct claſſes in ſociety who claim pre-eminence from their birth and ſtations, may excite the ſneer of the Cynic in his tub, who ſacrifices to his own pride the vanity of others; but if they contribute, nay, if they have been in all ages and countries found eſſential to the maintaining that order and connection, without which civil ſociety itſelf would be a rope of ſand and fall to pieces, a wiſe man will be inclined to aſſiſt the deception (if it be a deception) which is a neceſſary ingredient in that ſyſtem that produces every ſolid advantage. In the preſence of the great Author of life, the ſervant and his maſter, the general and private ſoldier, the king and his ſubject, are like the actors when they quit the theatre, diſtinguiſhed by their me-

rits

rits only in the parts that were aſſigned them; but whilſt they remain upon the ſtage, thoſe parts muſt not be confounded; and none but a fanatic can wiſh to annihilate, or even to weaken the diſtinctions that keep them at a diſtance from each other.

"*That none ought to be puniſhed but by a "law promulgated before the offence, and le-"gally applied;*" is an undeniable poſition. No man can break a law that does not exiſt, and till he breaks the law of his country, he is entitled to the protection not the chaſtiſement of the Government he lives under.* "A "public force being neceſſary to give ſecu-"rity to the rights of men and citizens, that "force is inſtituted for the benefit of the "community." Allow it, then, as a corollary, that all military force that is ſo conſtituted as not to be brought by the executive power to bear to the purpoſe for which it is ordained, viz. the protection of every peaceable individual, is a dangerous force tending

* Againſt what laws of the Government under which they acted, have the ſupporters of the Monarchy tranſgreſſed? Under "what laws promulgated "and legally applied" are the diſturbers of that Monarchy and of the public tranquillity to be defended from the charge of rebellious ſubjects?

to

to ſubvert the ends of civil ſociety, not to ſupport them.*

That the contributions in a ſtate ought to be as equally divided as poſſible in proportion to the abilities of the contributors, is a ſelf-evident propoſition—*therefore the Nobility of France were induced, before the meeting of the States, to make a voluntary ſurrender of all their pecuniary privileges.* As to the conſent of every individual to impoſe taxes upon himſelf, the encouragement of contraband is a ſufficient illuſtration of that readineſs that individuals are impreſſed with to contribute generouſly, *with their own conſent*, to the public exigencies.†

" The right to property being *inviolable*
" *and ſacred, no one ought to be deprived of it,*

* What uſe can be made of a force put indiſcriminately in the hands of every citizen of the community? Inſtead of maintaining order and enforcing obedience to the Government, like the teeth ſown by Cadmus, which ſprung up ſo many warriors, it can produce nothing but univerſal diſorder.

† What is the conſent given by the two rich orders, (for they were then rich) the Clergy and Nobility, to impoſitions levied by an Aſſembly contrived for the very purpoſe of over-ruling their diſſent? Had they forfeited the rights of men or of citizens?

" *except*

" *except in caſe of evident public neceſſity le-*
" *gally aſcertained, and on a condition of a pre-*
" *vious juſt indemnity!!!!*"*

Here, reader, you have the boaſted declaration of rights, *that has done more good than all the laws and ſtatutes that were ever promulgated!* Behold the good it has already done in the country that exults in its publication.

How many millions of property, veſted by the laws of the country in the proprietors and their predeceſſors from time immemorial, have been confiſcated without any previous offence pretended againſt the laws promulgated, and without any idea of compenſation; how many reſidences of peaceable inhabitants that formerly diſpenſed the bleſſings of hoſpitality through their diſtricts have been burnt or pillaged; how many unoffending individuals have been abandoned to their inhuman butchers; how many thouſand lives

* What a principle, when applied to the confiſcations of property that have taken place to the amount of ſo many millions, as the baſis of a Revolution which has no profeſſed object but ſecurity to perſonal liberty and rendering property " inviolable and ſacred."

have

have been ſacrificed without protection, through the extent of the provinces of that great kingdom;—it is not for me to aſcertain: but theſe are the only fruits I know of the ſecurity and freedom that has been eſtabliſhed by the declaration of the "Rights of Man." Look for ſecurity to your perſon or property in a country, where not one tribunal is yet opened, but a Court of Inquiſition to condemn to an ignominious death without proof, upon the menace of impending danger*--Aſk the illuſtrious fugitives, the venerable prelates that find their aſylum in every Court of Europe to ſecure their lives from the ſame wreck that has ſwallowed up their fortunes, what are thoſe rights of man in their devoted land, which they can plead not againſt the banditti, not againſt the deluded inſurgents only, but againſt the Legiſlature itſelf, the ſovereignty of their country.

Aſk the authors of their ruin the ſame queſtion, they will tell you calmly, that theſe calamities are neceſſary to procure future be-

* Monſieur de Favras, who was condemned and executed without proof—Monſieur de la Fayette declaring he could not otherwiſe anſwer for the ſafety of the city.

 nefits,

nefits, and that the means are juſtified by the ends. They will ſay, with Monſieur de la Fayette, " that in matters of revolution, ſe-" dition is *a ſacred duty* ;—with Mr. Necker, " that theſe violences are *des exces de gaité*"—with Paine—" that theſe outrages were not " the effect of the principle of the Revolu-" tion, but of the degraded mind that exiſted " before the Revolution, and which the Re-" volution is calculated to reform. Place " them there to their proper cauſe, and take " the reproach of them to yourſelf."—He will ſee no difference between the expoſing upon Temple Bar the heads of convicted traitors in time of actual rebellion, and the bearing about upon pikes in mockery and inſult to the places of public entertainment the heads of innocent victims, the Miniſters of eſtabliſhed Government torn to pieces by popular aſſaſſins. He will juſtify from a bloody, not a *cruel* ſentence in the hands of the executioner of juſtice, calculated (perhaps not wiſely) in terrorem to *impreſs awe upon the beholders, not to inflame their paſſions* ; he will juſtify, I ſay, an exceſs of wanton barbarity that cannibals would bluſh at ; the pledging from lip to lip the cup in which the bleeding

heart

heart of a murthered Miniſter had been drenched with wine, or the bearing the mangled face of a father to the mouth of a ſon, fortunately already inſenſible to the outrage by the treatment he had undergone, and who was ſoon after delivered from inſult by the unfated rage of his aſſaſſins.* He will look over theſe ſcenes of diſguſting horror with complacency, and calmly aſſure you, "that when the French Revolution is compared with that of other countries, the aſtoniſhment will be, that it is marked with "*ſo few ſacrifices*;" but he will forget to tell you, that if they were infinitely fewer than they wiſh to appear under his repreſentations, torrents of blood ſhed bravely in battle between contending factions, do not diſhonor a nation like the refinements of cruelty, and the maſſacres in cool blood of much ſmaller numbers defenceleſs and unreſiſting. He will exult in victory where there has been no conteſt, and in the glorious conqueſt of the Baſtille, that was betrayed to an unarmed rab-

* Foulon and Berthier, who was his ſon-in-law, againſt neither of whom, any more than againſt J. Copel, has there appeared to this hour the ſlighteſt proof of even *conſpiring to defend* their country.

ble;

ble;* he will triumph in the deſtruction of old walls and towers, as if the *ſtrength* of a priſon was its crime, whilſt all the other priſons as loathſome perhaps, though not ſo ſecure as the Baſtille, are crowded at this moment with ſuch numbers as threaten peſtilence by their contagion. He will talk of liberty whilſt tyranny, the capricious tyranny of the many, is ravaging at large one of the faireſt empires in the world; and whilſt the feelings of the oppreſſed are inſulted with the ſound of freedom, as the inquiſitors ſharpened the torments they inflicted by chaunting in the ears of their victims, hymns to the God of Mercy.

* The fooliſh fable of Monſieur de Launay the Governor, having hung out a flag and opened his gates to entrap a number of the inſurgents that he might deſtroy them, is too ridiculous even for patriot credulity—to commit an act of ſuch baſeneſs and imprudence, merely to draw down upon him the vengeance of 100,000 mad aſſailants in his ſtate of the garriſon, when he might have kept them at bay, or have capitulated with them for his ſafety, would have been madneſs—he was abandoned by Government and betrayed by his garriſon.